

REMARKS

Applicants have received and reviewed the Office Action dated July 2, 2008. By way of response, Applicants have amended claims 6 and 10. No new matter has been added. Applicants submit that the amended claims are supported by the specification as filed.

For the reasons stated below, the amended claims are in condition for allowance, and notification to that effect is earnestly solicited.

Rejection of Claims Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 6, 8-14, 23-31 and 36-38 under 35 U.S.C. § 112, first paragraph, in a written description rejection. The Examiner objected to a term employed in the claims. Applicants respectfully traverse this rejection.

Nonetheless, solely to expedite prosecution and not to acquiesce to this rejection, the claims have been amended to remove the term objected to by the Examiner.

Accordingly, the amended claims fully comply with § 112, first paragraph, and withdrawal of this rejection is earnestly solicited.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 10-14, 23-26, 29-31 and 36-38 under 35 U.S.C. § 112, second paragraph. The Examiner objected to the wording of claims 10 and 11. Applicants respectfully traverse this rejection.

The Office Action requests clarification of the place of homeopathic products recited in claim 10 in the method of claim 6. Claim 10 has been amended to recite that the substance recited in claim 6 is a homeopathic product.

The Office Action queries whether, in claim 11, the anticoagulant should be placed in the electromagnetic field or in the blood sample. As described in the specification as filed, an embodiment of the present invention includes placing the substance in the electromagnetic field at least at page 3, lines 8-11; page 3, line 27, through page 4, line 2; page 6, lines 18-26; and pages 10-17.

Accordingly, the amended claims fully comply with § 112, second paragraph, and withdrawal of this rejection is earnestly solicited.

Obviousness-Type Double Patenting

The Examiner rejected claims 6, 8-14, 23-31 and 36-38 under the judicially created doctrine of obviousness-type double patenting as obvious over claims 9-14 and 14-28 of U.S. Patent No. 6,541,978. Applicants respectfully traverse this rejection.

Nonetheless, solely to expedite prosecution and not to acquiesce to this rejection, Applicants submit herewith a Terminal Disclaimer, which obviates this rejection. Applicants respectfully request that this rejection be withdrawn.

Rejection of Claims Under 35 U.S.C. § 102(b) and 103(a)

The Examiner rejected claims 6, 8-9 and 27-28 under 35 U.S.C. § 102(b) as anticipated by Barnes, US 5,583,432. The Examiner rejected claims 10-14, 23-26, 29-31 and 36-38 were rejected under 35 U.S.C. § 103(a) as obvious over the Barnes reference. Applicants respectfully traverse these rejections.

The Office Action considers that Barnes teaches applying one, two or four different electromagnetic fields to the sample and measuring the frequencies and magnitude (column 6, lines 3-9).

Applicants submit that Barnes teaches a method for investigating one or more parameters of biofluids, particularly blood in respect of protein and cellular concentrations and cellular volume, comprising the steps of applying to a sample of the biofluid, at least two a.c. frequencies.

Barnes does not teach how to test inhibition of coagulation of a substance having a coagulation effect or anticoagulant effect. Further, in claim 6, one of the electromagnetic fields is generated from an emitter to interact with the substance having a coagulation effect or anticoagulant effect; the second one is generated in the absence of substance.

In particular, Barnes does not teach applying two electromagnetic fields to interact with two different samples (one with the substance, the other one in absence of the substance), and

subtracting the second electric current (transformed from the second electromagnetic field) from the first electric current.

The Office Action considers that the claimed "testing for inhibition of coagulation" is taught by the fibrinogen and viscosity measurement in Barnes (column 1, lines 25-67).

Applicants submit that Barnes describes that fibrinogen is a non-specific indicator of disease state in a person (column 1, lines 35-36). Barnes also describes how to detect fibrinogen; by erythrocyte sedimentation rate (ESR) (column 1, lines 28 and 43), by the plasma viscosity (PV) (column 1, line 43) and by c-reactive protein (CRP) (Column 1, lines 44-45).

Moreover, Barnes teaches that PV is not the most popular test for measuring fibrinogen. The most popular test is ESR (column 1, lines 46-48).

Furthermore, the substance having a coagulation effect or anticoagulant effect (claim 6) may not contain fibrinogen.

Consequently, there is no link between fibrinogen and the method for testing inhibition of coagulation.

Barnes discloses measuring cell methods operated in differential mode, i.e. using two identical sets of the cells, device and apparatus, with a sample and a dummy sample containing for example air, water or electrolyte.

Barnes does not teach anything about a method for testing inhibition of coagulation. In fact, the subject matter of the present invention and Barnes are completely different. On the one hand, the present invention provides a method for producing a substance having a changed coagulating and anticoagulating effect and a method for testing inhibition of coagulation. On the other and Barnes deals with a method for investigating protein and cellular concentration and cellular volume of biofluids.

Further, Applicants submit that Barnes does not teach or suggest anything about a method for producing a substance having a changed coagulating and anticoagulating effect by applying an electromagnetic field. In addition, Barnes does not teach or suggest anything about a method for testing inhibition of coagulation as defined in claim 6.

Accordingly, based on the foregoing differences, Applicants respectfully submit that the cited Barnes reference neither teaches nor suggests the presently claimed methods, and withdrawal of this rejection is respectfully requested.

Summary

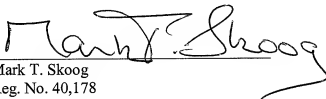
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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